



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/649,325

08/27/2003

Jurgen Moser

60,130-1860;02MRA0250/023

4557

26096

7590

09/14/2006

CARLSON, GASKEY & OLDS, P.C.  
400 WEST MAPLE ROAD  
SUITE 350  
BIRMINGHAM, MI 48009

EXAMINER

REDMAN, JERRY E

ART UNIT

PAPER NUMBER

3634

DATE MAILED: 09/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/649,325	<b>Applicant(s)</b> MOSER ET AL.	
	<b>Examiner</b> Jerry Redman	<b>Art Unit</b> 3634	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 10 July 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

The status of the claims is as follows:

Claims 1-21 are herein addressed below.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-9 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Schust et al. (5,729,930). Schust et al. ('930) disclose a carriage for a window lifter comprising a vehicle pane (4), a base part (1 and 2) that is moveably mounted on a rail (column 2, lines 44-45), a clamping part (3) mounted on the base part wherein the base part (1 and 2) and the clamping part (3) accommodates the vehicle pane (4). Schust et al. ('930) further discloses an arresting mechanism. The arresting mechanism of Schust et al. ('930) is a screw (5), which adjustably secures the base part (1 and 2) to the clamping part (3). The arresting mechanism of Schust et al. ('930) may also be in the form of tabs (the side projections of element 10), which fit within recess (300), and tab (31) fitted within recess (21), and/or projections (20) fitted within recess pairs (30, the circular portions within opening of 30). Thus, the carriage of Schust et al. ('930) discloses recess and tabs in both the base part (1 and 2) and the clamping part (3) and can thus be adjustable along a longitudinal axis. Schust et al. ('930) further disclose a symmetrical carriage with respect to an axle (shaft of screw 5) of the screw (5). Schust et al. ('930) still further disclose a nipple holder (12).

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10-19 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schust et al. ('930) in view of Shibunushi (5,987,820). All of the elements of the instant invention are discussed in detail above except providing a barb(s) on the base part for engaging a pad in two positions. As shown in Figures 7 and 8, Shibunushi ('820) discloses a base part for mounting a pad and window pane and the base part has barbs which allows the pad to be positioned at any position along the base. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the carriage assembly of Schust et al. ('930) with a pad and barbs as taught by Shibunushi ('820) since a pad and barbs provides a more rigid connection between the base part, pad, and window pane and at the same time lowers the noise level between two parts that move relative to each other by providing the pad therebetween.

The applicant's argument's have been considered but are not deemed persuasive. It appears that the applicant's arguments are more limiting than that of the claims. As discussed in detail above, the base part and the clamping part are adjustable to accommodate various size and width panels. Furthermore, the broadly

Art Unit: 3634

recited claims would read on the parts that are first attached together (a first position) and then aligning elements and tightening the elements together (a second position). It appears that the applicant is arguing how one of the elements is pivotally mounted to the second element, which defines a first and second position. The broad recitation of "two positions" fails to limit the device and the applicant appears to be relying on limitations, which cannot be found in the claims.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication should be directed to Jerry Redman at telephone number 571-272-6835.

  
Jerry Redman  
Primary Examiner